THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14732 OF 2007

DATED 18th JULY, 2007

BETWEEN:

Smt B.Vijaya Kumari

… Petitioner

AND

The Gram Panchayat, Boduppal, rep.by its Panchayat Secretary, Boduppal, Ghatkesar Mandal, Ranga Reddy District and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14732 OF 2007

ORDER:

The petitioner is allegedly owner of land admeasuring 250 square yards in No.108/A situated at Boduppal Village. The same was purchased by her husband. Her husband constructed a small house bearing No.8-43/23/B. The neighbour of petitioner on the western side, however, filed O.S.No.877 of 2000 on the file of Court of Junior Civil Judge, Ranga Reddy District alleging that petitioner encroached upon the site. The said Anandam also approached respondent, who issued notice on 16.10.2006 directing petitioner to stop construction. She, therefore, filed W.P.No.21883 of 2006. This Court dismissed the same on 22.02.2007, observing that petitioner did not obtain any permission under the provisions of A.P.Panchayat Raj Act, 1994 and that she suppressed the relevant facts. The petitioner, therefore, submitted an application on 16.04.2007 seeking permission for construction of rooms on the Eastern side of the existing house. The respondent neither accorded nor refused permission, and therefore, purporting to exercise right under Section 127(3) of the Act, the petitioner proposed to take up construction. She commenced construction on 07.07.2007. It is alleged that while construction is in progress, on 09.07.2007 at 5.30 a.m., respondents went to premises and highhandedly demolished the construction. Aggrieved by the same, present writ petition is filed.

This Court heard the matter on 16.07.2007 and so as to enable learned standing counsel for Panchayats to get instructions, adjourned the matter. Today, learned counsel for petitioner has placed before this Court a communication/notice, dated 04.07.2007 issued by Panchayat Secretary of Gram Panchayat, Boduppal, informing her that her application for construction of house is rejected on the ground that the schedule of the property and the sale deed submitted by her does not tally with the approved lay out.

In view of this, it is not proper for this Court to adjudicate the issue. The petitioner is given liberty to file Appeal before District Panchayat Officer under Section 128(2) of the Act immediately. As and when such appeal is filed, the District Panchayat Officer shall pass appropriate orders within two weeks from the date of filing of Appeal.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

18.07.2007.
pln